

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:

Hemingway Huynh, et al.

Application No.: 10/611,698

Filed: June 30, 2003

For: ADAPTIVE MEDIA MESSAGING,
SUCH AS FOR RICH MEDIA
MESSAGES INCORPORATING
DIGITAL CONTENT

Examiner: Michael Young Won

Art Unit: 2155

Confirmation No.: 4440

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Declaration of Inventors Pursuant to 37 C.F.R. § 1.131

We, Hemingway Huynh, Anh Huynh, and Jeffrey Farnsworth, hereby declare that:

1. At the time of conceiving and reducing to practice the above identified invention we were citizens of the United States of America and were residing in the State of Oregon, in or around the greater Portland area. The above identified invention was conceived and reduced to practice in the United States of America.
2. We are the true inventors of the subject matter of the above-captioned application, as originally declared in the declaration dated June 23, 2003.
3. At the time of invention, we were employed by H2F Media, Inc., of Portland, Oregon, the predecessor in interest to the current assignee, Prolifiq Software, Inc., of Portland, Oregon.

4. To the best of our recollection and as refreshed by attached **Exhibit I**, the subject invention was conceived and actually reduced to practice on or before June 13, 2001. **Exhibit I** is a photocopy of an e-mail correspondence from James Van Kerhove, President of H2F Media, Inc. at the time of the invention, to Steven Lawrenz, patent attorney engaged by H2F Media, Inc. for the purposes of preparing and filing a patent application. The e-mail correspondence includes, as an attachment, an Invention Disclosure Document (hereinafter "IDD") prepared on or before May 15, 2002 disclosing subject matter of the above-cited application.

As can be seen by the Development Timeline in the iDD, the **H2F Looper Technology to Build Out Layers** was developed at least as early as June 13, 2001. As explained by the accompanying handwritten notes, added by Hemingway Auynh at or about the time of creation of the IDD, the development of this Looper Technology provided the capability to build the package. The "package" is further described in the "General Overview" section of the IDD. This section describes a SMARTdelivery Package including a preview layer of a message being sent to a recipient. Within the message there may be a series of hooks to perform checks on the receiving system. The content of the message may be updated with additional layers based at least in part on the outcome of those checks.

The development of the Looper Technology included internal testing sufficient to reveal that the operation of a SMARTdelivery Package, as described in the General Overview section, worked for its intended purposes.

We further declare that all statements made herein of our own individual knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issued thereon.

Executed by and on the date(s) as set forth below:

By:  _____

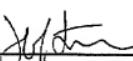
Date: 2-26-07

Hemingway Hunyh

By:  _____

Date: 2/26/2007

Anh Hunyh

By:  _____

Date: 2/26/2007

Jeffrey Farnsworth

Lawrenz, Steven D.-SEA

From: Jim Van Kerkhove [jimv@h2fmedia.com]
Sent: Wednesday, May 15, 2002 4:48 PM
To: Lawrenz, Steven D.-SEA
Cc: hemingway huynh
Subject: H2F Patent Search/Application action
Follow Up Flag: Follow up
Due By: Thursday, May 16, 2002 5:00 PM
Flag Status: Flagged
Steve,

Here's the information Hemingway compiled to assess how best to go forward to protect our SMARTdelivery package technology and planned software applications we intend to take to market in next few months.

Let's plan on a brief phone call tomorrow at 2PM (instead of 3PM) — we'll call into you.

Jim Van Kerkhove
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Lake Oswego, OR. 97035
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"Right Message. Right Customer. Right Now."
Visit us at www.h2fmedia.com

H2F SmartDelivery Package:

Development Timeline:

REDACTED

June 13, 2001:
July 30, 2001:
August 23, 2001:
August 29, 2001:
September 18, 2001
December 14, 2001
March 10, 2002

H2F Looper Technology to Build Out Layers
Advance individual email tracking to database
H2F Builder and Data Driven Database List Delivery
New H2F Mailer
Mailer 1.2
Mailer 1.3 Multi-Programmable Layer
Mailer 1.4 with Multi-Frame Layering

General Overview:

H2Fmedia, Inc creates SMARTdelivery Packages to manage the delivery of audio, video and flash content. These packages can be placed our platform for delivery or any third-party delivery engine. When a recipient opens a SMARTdelivery package, their computing environment is assessed and the appropriate version of the message is presented – all automatically. This delivery strategy ensures that the recipient receives the best possible message based on their computing environment.

When we send out a rich media campaign, the email (or webpage) that is delivered represents what we consider the "preview" layer. This is a safe-level html layout that would work in most all environments. No rich media elements are contained within the message itself.

- Within this message, we add a series of hooks. The hooks will lead to our servers, and perform certain system checks.
- Depending on the outcome of these checks, the message content will get updated automatically to reference video streams, flash movies etc.

This message update can occur either directly within the email environment, or within a web browser. This change in display also means that the message is re-generated by our servers for display. So in effect, we store the other layers (however many are needed) for each message within our servers. There are infinite layers and are driven by the marketing message.

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